

# 立法會 *Legislative Council*

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## **Panel on Welfare Services**

### **Background brief prepared by Legislative Council Secretariat for the meeting on 19 February 2013**

#### **Strategies and measures to tackle domestic violence**

#### **Purpose**

This paper gives an account of the past discussions of the Panel on Welfare Services ("the Panel") and its Subcommittee on Strategy and Measures to Tackle Family Violence ("the Subcommittee") to tackle family violence.

#### **Background**

2. According to the Administration, a multi-discipline model has been adopted to coordinate the joint efforts of different departments, professionals and non-governmental organizations ("NGOs), in preventing and tackling domestic violence. The Administration has also adopted a three-pronged intervention approach i.e. prevent domestic violence, protect the victims and provide them with support; and stop batterers' abusive behaviours to tackle domestic violence.

#### **Members' deliberations**

3. In the wake of a number of family tragedies in early 2002, the Panel discussed the strategies and measures to prevent and tackle domestic violence with the Administration and four family welfare organizations on 11 March 2002. The Panel further discussed the progress made and developments to prevent and tackle domestic violence on 10 February 2003.

Following the occurrence of the Tin Shui Wai ("TSW") family tragedy on 11 April 2004, the Panel held three joint meetings with the Panel on Security on 26 and 30 April 2004 and 24 May 2004 respectively to meet with deputations and the Administration. The Subcommittee was appointed by the Panel in the Third Legislative Council ("LegCo") and the current LegCo<sup>1</sup> to study issues concerning the strategy and measures to tackle family violence. The Panel also discussed the welfare services to support the victims of domestic violence and their families at a number of meetings between 2007 and 2013. Members' major concerns are summarized in the ensuing paragraphs.

#### Guidelines for handling domestic violence

4. Members of the Panel were of the view that many domestic violence cases could be avoided if timely and appropriate assistance was provided to the victims by the relevant parties and authorities concerned. The Administration advised that the Police had reminded its front-line staff to handle domestic violence cases with care. The Police would also examine the existing police guidelines for handling domestic violence cases in consultation with other related agencies with a view to identifying any areas that required improvement. According to the Administration, the Committee on Child Abuse ("CCA") and the Working Group on Combating Violence ("WGCV") chaired by the Director of Social Welfare ("DSW") and comprising representatives from the Police, Education Bureau, Hospital Authority ("HA") and NGOs, etc. had been set up to map out strategies to tackle the problems of child abuse, spouse/cohabitant battering and sexual violence in Hong Kong. With the advice of CCA and WGCV, Social Welfare Department ("SWD") had drawn up two sets of procedural guidelines namely the "Procedural Guide for Handling Child Abuse Cases" and the "Procedural Guidelines for Handling Intimate Partner Violence Cases" to facilitate front-line professionals in handling cases of child abuse and spouse/cohabitant battering in a professional and effective manner. These guidelines would be updated on a need basis.

5. Members expressed concern that the Administration's front-line staff lacked the skills and knowledge to handle the problems faced by the sexual minority and the transgender groups. They considered it necessary for the

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<sup>1</sup> The Subcommittee, formed in the current LegCo on 21 January 2013, has not yet commenced its work as the maximum number of eight subcommittees on policy issues in operation has been reached. The subcommittee is therefore placed on the waiting list.

Administration to review and strengthen the skills and gender awareness of all front-line staff in handling domestic violence cases.

6. The Administration advised that training programmes on a range of topics on domestic violence were provided to social workers to facilitate them to look at domestic violence cases from multiple perspectives, so that appropriate assistance would be provided to the victims. Front-line staff of SWD had participated in forums and had meetings with the sexual minority groups with a view to better understanding the service they required, thereby improving the service quality and variety. Various training programmes had been provided by SWD and other departments/organizations regularly to equip related professionals with knowledge and skills on how to work with different disciplines in the investigation and handling of domestic violence cases.

7. Members noted with concern that treating domestic violence as a family problem instead of a public health problem by SWD had put the victims' personal safety on the line. Members urged SWD to review the appropriateness of adopting the philosophy of "family integrity" in handling domestic violence cases which was no longer adopted by many developed countries.

8. The Administration responded that SWD did not adopt any single philosophy, such as "family integrity", in handling domestic violence cases. Neither was there any policy requiring staff of SWD to provide counselling to couples together. Personal safety of victims and children involved was always the prime concern. The principle was objective assessment and formulation of treatment strategies in line with the professional practice as advocated by different schools of counselling and psychotherapy.

#### Implementation of Batterer Intervention Programme ("BIP")

9. Members of the Subcommittee called for the early introduction of court-ordered BIP, as putting batterers on probation order to join the counselling programme under the arrangement of the probation officers were far from effective. This was evidenced by only a handful of such probation orders made by the court in a year. The Panel was advised that upon completion of the two-year pilot project on BIP in March 2008, SWD had continued to implement BIP for suitable abusers mainly involved in spouse battering as a component of their counselling service. To cater for the

needs of different types of batterers, suitable treatment models would further be developed. In 2010-2011, SWD had started providing BIP for women on a pilot basis.

10. Members of the Panel also noted that SWD had separately launched an anti-violence programme ("AVP") in August 2008 as provided for under the Domestic Violence (Amendment) Ordinance<sup>2</sup>. Specifically, the court might, in granting a non-molestation order, require the abuser to attend a programme approved by DSW that sought to change the abusers' attitude and behaviour. With the enactment of the Domestic and Cohabitation Relationships Violence Ordinance (Cap. 189), AVP had been extended to same-sex cohabitants involved in violence cases since January 2010.

11. Members of the Panel were concerned about the low utilization of BVP and AVP. According to the survey conducted by the Hong Kong Council of Social Service, there were about 6 000 spouse battering cases a year but only 84 batterers participated in BVP and the number of batterers participated in AVP was as small as two in three years.

#### Implementation of the Victim Support Programme for Victims of Family Violence ("VSP")

12. Members of the Panel were advised that VSP, which was run by an NGO with funding provided by SWD, was launched in June 2010 to enhance support services to victims of domestic violence including those undergoing the judicial process. Services provided by VSP included legal aid service, accommodation, treatment and childcare support for the victims. It was expected that through close collaboration with case workers, the victims would be empowered and supported to resume normal life and functioning. As at October 2011, VSP had provided support services for about 600 victims of domestic violence.

#### Setting up of the standing Child Fatality Review Panel

13. The Subcommittee had examined the feasibility of setting up a mechanism for convening an independent review panel to examine fatal and serious injury cases to identify ways to prevent recurrence of similar tragedies, as recommended by the three-member Review Panel on the TSW

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<sup>2</sup> Following the passage of the Domestic Violence (Amendment) Bill 2009, the amended Domestic Violence Ordinance had been renamed as the Domestic and Cohabitation Relationships Violence Ordinance.

family tragedy in 2004. Members considered that the Review Panel should have statutory backing and its scope of work should be expanded in the long run to cover all domestic violence cases which had caused deaths or serious injuries. The Administration advised that the pilot project to review cases of children who died of natural or non-natural causes was launched in February 2008. Following the successful experience of a three-year pilot project to review child death cases, a standing child fatality review mechanism was established in June 2011. The main purposes of the mechanism were to identify the good practice, gaps and deficiency in related service systems; to suggest improvements in the direction of formulating preventive strategies; and to promote inter-disciplinary and inter-agency cooperation to prevent avoidable child deaths. The Review Panel comprised 20 professionals from different disciplines and parent representatives.

#### Classifying and defining domestic violence

14. Noting that the number of newly reported spouse/cohabitant battering cases had dropped drastically from 6 843 cases in 2008 to 1 974 cases between January and September 2012, members of the Panel expressed concern about whether front-line staff including police officers, social workers, etc. had received proper training on distinguishing domestic violence cases from domestic incidents. Members were of the view that the Administration would not be able to prevent domestic violence effectively in the absence of comprehensive information on domestic violence cases. Members called on the Administration to include information on domestic violence cases involving the ethnic minorities, cross-border families, transgender groups and homosexuals in its analysis of domestic violence problems.

15. The Administration advised that the definition of domestic violence was in place in the case reporting mechanism. Training programmes relating to domestic violence were provided in training institutions as well as to new recruits of front-line staff.

16. Members pointed out that at the inquest of the TSW incident held by the Coroner's Court in 2006, a number of problems were identified in handling the family tragedy and the Administration was requested to make improvements in various aspects. It was suggested that the Police should use a checklist as an aid to classify a domestic violence case and the

classification should not be decided by a front-line police officer but an officer at a higher rank, say an inspector.

Providing housing assistance to victims of domestic violence

17. Members pointed out that many family tragedies could be avoided if timely housing assistance was provided to victims of domestic violence. The Administration advised that, with effect from November 2001, apart from extending the Conditional Tenancy Scheme under the Compassionate Rehousing Scheme to cover battered spouses who were divorced and had no offspring or dependent children, SWD had also revised the guidelines for processing applications for Compassionate Rehousing in 2002 to allow more flexibility in helping the needy. The referral mechanism between SWD and the Housing Department ("HD") in handling applications for splitting of household and house transfer for needy public rental housing tenants, including those who suffered from family problems or domestic violence, had also been streamlined to speed up the application process.

18. Members considered that the Administration should do more to help victims of domestic violence to solve their housing problems. The Administration advised that the number of referrals for compassionate rehousing by SWD in 2009-2010, 2010-2011 and 2011-2012 were 2 727, 2 738 and 2 488 respectively which had outnumbered the number of flats set aside by HD in 2012-2013 for the compassionate rehousing category (i.e. 2 000 flats). The number of referrals reflected that the Administration had endeavoured to help the eligible victims solve their housing problems.

19. Noting that the utilization rate of the five refuge centres for women and the crisis centres had reached 80% and 90% respectively, members of the Panel expressed concern about the inadequate provision of such places and considered that the Administration should formulate a long term plan to increase the supply of such places to meet future demand.

Allocation of additional resources to welfare services to combat domestic violence

20. Members urged the Administration to enhance family services to districts where problems of spouse battering and child abuse were serious.

21. The Administration advised that through the re-engineering of family

services, an overall territory-wide re-distribution of resources was made based on a combination of factors, including the population to be served, complexity of social problems and district needs, etc. SWD had set up 11 Family and Child Protective Services Units ("FCPSUs") across the territories as specialized units to provide a coordinated package of one-stop service for victims of domestic violence, their families and batterers. It aimed to prevent occurrence of child abuse and spouse/cohabitant battering incidents, help the victims and their family members overcome the trauma brought by child abuse and spouse/cohabitant battering, and assist the families to restore normal functioning. In the past years, SWD had allocated additional resources to improve the manpower in FCPSUs. As at January 2013, there were altogether 168 social workers working in FCPSUs, representing an increase of 36.6% since 2005-2006.

### **Relevant papers**

22. A list of the relevant papers on the Legislative Council website is in the **Appendix**.

Council Business Division 2  
Legislative Council Secretariat  
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## Appendix

### Relevant papers on strategies and measures to tackle domestic violence

<b>Committee</b>	<b>Date of meeting</b>	<b>Paper</b>
Panel on Welfare Services	11 March 2002 (Item VI)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Welfare Services	10 February 2003 (Item III)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Welfare Services and Panel on Security	26 April 2004 (Item II)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Welfare Services and Panel on Security	30 April 2004 (Item II)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Welfare Services and Panel on Security	24 May 2004 (Item III)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Welfare Services	8 November 2004 (Item VI)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Welfare Services	8 January 2007 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Welfare Services	30 October 2007 (Item I)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Welfare Services	14 January 2008 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a> <a href="#">CB(2)1039/07-08(01)</a> <a href="#">CB(2)1184/07-08(01)</a>
Subcommittee on Strategy and Measures to Tackle Family Violence	-	<a href="#">Report</a>



<b>Committee</b>	<b>Date of meeting</b>	<b>Paper</b>
Panel on Welfare Services	22 October 2009 (Item I)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Welfare Services	12 July 2010 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a> <a href="#">IN05/10-11</a>
Panel on Welfare Services	20 October 2010 (Item I)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Welfare Services	14 February 2011 (Item VI)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Welfare Services	21 October 2011 (Item I)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Welfare Services	10 July 2012 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a>

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